

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRUCE BROWN,

Petitioner,

v.

PHIFFER,

Respondent.

Case No. [23-cv-03583-JD](#)

ORDER RE DISMISSAL

Re: Dkt. Nos. 2, 6

Petitioner, a state prisoner, filed a pro se habeas petition pursuant to 28 U.S.C. § 2254. Court records indicate that petitioner filed a petition raising similar claims challenging the same conviction that was denied as untimely. *See Brown v. District Attorney*, Case No. 22-cv-5609 JD. This case is dismissed as duplicative. *See Adams v. Cal. Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007). To the extent petitioner seeks to file a new petition about resentencing that would not be a successive petition, he must first exhaust that claim in state court.

The case is dismissed without prejudice as duplicative. The pending motions (Dkt. Nos. 2, 6) are vacated. No fee is due. A certificate of appealability is denied and the Clerk is requested to close this case.

IT IS SO ORDERED.

Dated: September 25, 2023



JAMES DONATO
United States District Judge